APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,854	09/09/2003	Kenneth M. Martin	IMM050B	2113

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PATENT DEPARTMENT (51851)
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EXAMINER
PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action *Before the Filing of an Appeal Brief*	Application No. 10/657,854	Applicant(s) MARTIN ET AL.
	Examiner Jeff Piziali	Art Unit 2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>09 October 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.
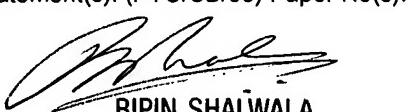
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Jeff Piziali
16 October 2007

Continuation of 11. does NOT place the application in condition for allowance because:

The applicants are thanked for the Request for Reconsideration filed 9 October 2007. Applicants' arguments filed 9 October 2007 have been fully considered but they are not persuasive.

The applicants allege the cited prior art of Delson et al (US 6,002,184 A) does not disclose "determining an adjusted sensor value based at least in part on the raw sensor value and a compliance between the sensor and the manipulandum" (see Page 2 of the Request for Reconsideration filed 9 October 2007). However, the examiner respectfully disagrees.

Delson discloses a method comprising: receiving a sensor signal [Fig. 42; output signal from sensor 4206 to adaptive controller 4202 at a first/initial time] comprising a raw sensor value [i.e. measurement of the mechanism output at a first/initial time] from a sensor [Fig. 42; 4206], the raw sensor value associated with a position of a manipulandum [Fig. 42; 4208] in a range of motion; determining an adjusted sensor value [i.e. measurement of the mechanism output at a later time, following signal correction due to a discrepancy between the desired and measured mechanism output] based at least in part on the raw sensor value [wherein sensor feedback is used for the adaptive component of control] and a compliance between the sensor and the manipulandum; and outputting an output signal [Fig. 42; output signal from sensor 4206 to adaptive controller 4202 at a later time, following signal correction due to a discrepancy between the desired and measured mechanism output] comprising the adjusted raw sensor value (see Column 43, Line 62 - Column 44, Line 17).

Delson further states, "A periodic signal generator 4200 produces a repeating pattern. The open loop control is implemented in a similar fashion to the method in FIG. 41, using a lookup table 4210, amplifiers 4212, and a mechanism 4208. The adaptive controller 4202 receives measurement of the mechanism output from sensors 4206, and also receives the desired mechanism output from the signal generator 4200. The adaptive controller 4202 provides a signal correction 4214, which is summed with the desired mechanism output signal at the summer 4216. Since the signals are repetitive, errors in the mechanism output that occur in one cycle will be repeated in the next if there is no correction. However, the adaptive controller can anticipate: the upcoming error and compensate for them in advance. In this fashion, the error can be reduced in each cycle, until it is reduced to the level of random noise and variation in the system. This approach can automatically compensate for dynamics in the system, and disturbance forces that consistently occur in each cycle" (see Column 44, Lines 3-17 of Delson).

The applicants argue against the Delson reference, because the raw sensor signal in Delson is purportedly not ever "modified" or "adjusted" (see Page 2 of the Request for Reconsideration filed 9 October 2007).

However, both instant independent claims 1 and 8 merely recite, "determining an adjusted sensor value based at least in part on the raw sensor value and a compliance between the sensor and the manipulandum." There is no explicit recitation in the instant claims that the raw sensor signal itself is ever "modified" or "adjusted," as now argued by the applicants.

In response to applicants' argument that the references fail to show certain features of applicants' invention, it is noted that the features upon which applicant relies (i.e., the raw sensor signal itself being "modified" or "adjusted") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As addressed above, Delson teaches determining an "adjusted sensor value" [e.g., a measurement of the mechanism output at a time following signal correction due to a discrepancy between the desired and measured mechanism output] based at least in part on the "raw sensor value" [wherein sensor feedback is used for the adaptive component of control] and a compliance between the sensor and the manipulandum, as the instant claim presently recites.

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

Jeff Piziali
16 October 2007